



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

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## **Stage I Vapor Recovery Enforcement Discretion Directive for Owners/Operators of Motor Vehicle Dispensing Facilities Subject to 310 CMR 7.24(3) Distribution of Motor Vehicle Fuel**

**July 5, 2017**

**MassDEP is exercising enforcement discretion to allow the installation of Stage I enhanced vapor recovery (EVR) systems and components that are contained in California Air Resources Board (CARB) Orders issued since January 2, 2015.**

### **Background**

On January 2, 2015, MassDEP promulgated revisions to 310 CMR 7.24(3) Distribution of Motor Vehicle Fuel that included CARB Stage I EVR Executive Orders for underground storage tanks and aboveground storage tanks. Several of those Executive Orders have been updated since January 2, 2015.

MassDEP has proposed regulations that will update the tables of approved CARB Certified Stage I EVR Systems in 310 CMR 7.24(3) to include updated CARB Stage I EVR Executive Orders approved by CARB since January 2, 2015, the date the current Stage I regulation was last revised.

In order to expedite Stage I facility Owner/Operators' access to approved CARB Certified Stage I EVR Systems, MassDEP will exercise enforcement discretion to allow Owners/Operators to install Stage I EVR systems and components documented in the following tables (and proposed in the amendments to 310 CMR 7.24(3)) prior to the effective date of revisions to 310 CMR 7.24(3).

310 CMR 7.24(3)(c)1. Table 1: CARB Underground Storage Tank Phase I Enhanced Vapor Recovery System Executive Orders

<b>Executive Order Number</b>	<b>Description</b>	<b>Date</b>
VR-101-P	Phil-Tite Phase I Vapor Recovery System	May 29, 2017
VR-102-Q	OPW Phase I Vapor Recovery System	May 29, 2017
VR-103-G	EBW Phase I Vapor Recovery System	June 3, 2013
VR-104-H	CNI Manufacturing Phase I Vapor Recovery System	May 29, 2017
VR-105-D	EMCO Wheaton Phase I Vapor Recovery System	August 27, 2014

310 CMR 7.24(3)(c)1. Table 2: CARB Aboveground Storage Tank Phase I Enhanced Vapor Recovery System Executive Orders

<b>Executive Order Number</b>	<b>Description</b>	<b>Date</b>
VR-301-F	Standing Loss Control of Vapor Recovery Systems for Existing Installations of Aboveground Storage Tanks	June 3, 2014
VR-302-F	Standing Loss Control of Vapor Recovery Systems for New Installations of Aboveground Storage Tanks	June 3, 2014
VR-401-E	OPW Enhanced Vapor Recovery (EVR) System for Above Ground Storage Tanks (AST)	June 29, 2015
VR-402-D	Morrison Brothers Phase I Enhanced Vapor Recovery (EVR) System for Above Ground Storage Tanks (AST)	March 29, 2016
G-70-216	Extension of Executive Orders for Existing Above Ground Storage Tanks	March 13, 2014

### **State Implementation Plan (SIP) Requirements**

Owner/Operators of Stage I facilities are advised that MassDEP's Stage I regulation, 310 CMR 7.24(3), is part of the Massachusetts State Implementation Plan (SIP) and is, therefore, enforceable as a federal requirement. The federal requirement remains in place irrespective of MassDEP's exercise of enforcement discretion. In addition, any regulation amending Stage I requirements must be approved by the U.S. Environmental Protection Agency (EPA).

**Legal Disclaimer**

This enforcement discretion directive does not constitute “final agency action,” and is not a “regulation” as that term is used in M.G.L. c.30A. Therefore, this directive does not create rights, duties, obligations or defenses, implied or otherwise, enforceable by any party in any administrative proceeding with the Commonwealth. In addition, this directive does not exempt any person from complying with the other requirements in 310 CMR 7.24(3) or any other applicable local, state or federal law.

If you have any questions concerning the conditions of this directive, please call the MassDEP Stage I hotline at 617-556-1035, ext. 1, or Jeff Gifford at 617-556-1144; [jeffrey.gifford@state.ma.us](mailto:jeffrey.gifford@state.ma.us).